

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a dedicated easement for public street right-of-way thereof.

WHEREAS, a petition to vacate a dedicated easement for public street right-of-way within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated easement for public street right-of-way within the City of Fort Wayne, more specifically described as follows, to-wit:

Part of the right-of-way of Rockhill Street, more particularly described as follows, to-wit:

Beginning on the East right-of-way line of Rockhill Street at a point situated 5.1 feet Northerly of the point of intersection of said East right-of-way line with the North right-of-way line of Washington Boulevard, thence Northerly, on and along said East right-of-way line, a distance of 21.03 feet to a North wall face of an existing building; thence Westerly, on and along said Wall face, a distance of 6.4 feet; thence Southerly, on and along a Westerly wall face of said building, a distance of 21.0 feet; thence Easterly, on and along a Southerly wall face of said building a distnce of 5.2 feet to the point of beginning.



1 and which vacating amends the Thoroughfare Plan of the City  
2 Comprehensive ("Master") Plan and is hereby approved in all  
3 respects.

4 SECTION 2. That this Ordinance shall be in full force  
5 and effect from and after its passage, any and all necessary  
6 approval by the Mayor.

7 Janet G. Brabury  
8 COUNCILMEMBER

9 APPROVED AS TO FORM AND LEGALITY:

10 Bruce O. Boxberger  
11 BRUCE O. BOXBERGER, CITY ATTORNEY

12 \*\*Public hearing to be held on \_\_\_\_\_,  
13 the \_\_\_\_\_ day of \_\_\_\_\_, 1987,  
14 in the Council Chambers.

15  
16 Sandra E. Kennedy, City Clerk  
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Read the first time in full and on motion by Bradbury  
seconded by E. E. Burns, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

DATE: 9-22-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_  
seconded by \_\_\_\_\_, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

RECEIPT

No 2719

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7-20 1987

RECEIVED FROM Thomas Ocker \$ 100.00

THE SUM OF one hundred & 00/100 DOLLARS

ON ACCOUNT OF vocational program Rockhill Co.

for B.  
AUTHORIZED SIGNATURE



PETITION TO VACATE PORTION OF ROCKHILL STREET

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following portion of public street, within the City of Fort Wayne, Indiana, and hereby legally described as follows:

[See Exhibit "A" attached hereto and made a part hereof]

In support thereof, your petitioner would represent as follows:

1. That he is the owner of the real estate bordering the east side of the right of way of Rockhill Street, situated at the Northeast corner of the intersection of Rockhill Street and West Washington Boulevard, as particularly described in Exhibit "A".
2. That the minor encroachment into said right of way, for which vacation is sought, has existed in excess of twenty (20) or more years without infringing on or causing other undue disruption of use of Rockhill Street.
3. That no other person, firm, or corporation is interested in or affected by the requested vacation.
4. That the maintenance of the portion of said street, for which vacation is sought, is not necessary or advantageous to the growth of the City of Fort Wayne, and given further the historical heritage of the property and neighborhood, that vacation would be in the best interest of the City and the citizens thereof.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as described above.

WHEREFORE, your petitioner prays that the above described portion of Rockhill Street be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 17<sup>th</sup> DAY OF July, 1987.

[NOTE: Due to the configuration of said property, no adjacent owners are affected]

Thomas W. Ocken  
THOMAS W. OCKEN, PETITIONER  
615 N. Pennsylvania, #9  
Indianapolis, Indiana 46204

Nadyne Recht  
NADYNE RECHT, Agent  
Recht & Recht Realtors  
3330 South Calhoun Street  
Fort Wayne, Indiana 46807



A circular seal with a double-lined border. The outer ring contains the text "J. H. C. SAUER" at the top and "LAND SURVEYOR" at the bottom. Inside this ring, the word "REGISTERED" is at the top and "STATE OF INDIANA" is at the bottom. In the center of the seal is the number "No. 50364".



ZOHRAB K. TAZIAN, P.E. & L.S.  
C. DUANE EMBURY, P.E. & L.S.  
JOHN C. SAUER, L.S.  
SAM L. FAUST, L.S.

**zk tazian**

ASSOCIATES, INC.  
345 WEST WAYNE STREET  
SUITE 202  
FORT WAYNE, INDIANA 46802  
PHONES: 219/424-3232  
219/426-0003



## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

Part of the right-of-way of Rockhill Street, more particularly described as follows, to wit:

Beginning on the East right-of-way line of Rockhill Street at a point situated 5.1 feet Northerly of the point of intersection of said East right-of-way line with the North right-of-way line of Washington Boulevard, thence Northerly, on and along said East right-of-way line, a distance of 21.03 feet to a North wall face of an existing building; thence Westerly, on and along said Wall face, a distance of 6.4 feet; thence Southerly, on and along a Westerly wall face of said building, a distance of 21.0 feet; thence Easterly, on and along a Southerly wall face of said building, a distance of 5.2 feet to the point of beginning.

*Mention legal*

I hereby certify on the 20th day of July, 19 87 that the above survey is correct.

Surveyed for: Ocken  
Survey No.: KE-122

*John C. Sauer*





ORIGINAL

Admn. Appr. \_\_\_\_\_

ORIGINAL

COUNCILMANIC DISTRICT No. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE A portion of Rockhill Street, situated on the Northeast corner of Rockhill and Washington Blvd.

*2*  
*B-87-09-31*

EFFECT OF PASSAGE Property is presently dedicated right-of-way. Property will be vacated and revert to adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.)) \_\_\_\_\_



# Division of Community Development & Planning

## BRIEF TITLE

## APPROVAL DEADLINE

## REASON

Street Vacation Ordinance

## DETAILS

## Specific Location and/or Address

Northeast corner of Rockhill Street and Washington Blvd.

## Reason for Project

Structure extends into right-of-way and the title insurance company indicates that it would prevent a "clear title" if it is not vacated.

## Discussion (Including relationship to other Council actions)

21 September 1987 - Public Hearing

Nadyne Recht and Bob Lamont appeared requesting the vacation of a portion of Rockhill Street right-of-way. Ms. Recht represents the property owner who is attempting to sell the property. Unfortunately the existing structure extends into the right-of-way, and the title insurance company indicates that would prevent a "clear title".

Baron Biedenweg stated that they had talked about an encroachment agreement early that morning and felt something could be worked out that way.

Ms. Recht stated that Dave Drury (of the title company) told her that they had some problems with the wording of the encroachment agreement.

John Wernet, attorney for the Commission, volunteered to work with Mr. Drury and Mr. Biedenweg, to see if something could be worked out.

## POSITIONS

## RECOMMENDATIONS

## Sponsor

City Plan Commission

## Area Affected

City Wide

Other Areas

Applicants/  
Proponents

Applicant(s)

Thomas Ocken

City Department

Other

## Opponents

Groups or Individuals

Basis of Opposition

Staff  
Recommendation☐ For☒ Against

Reason Against

Board or  
Commission  
Recommendation

By

☐ For☒ Against☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

CITY COUNCIL  
ACTIONS(For Council  
use only)☐ Pass☐ Other☐ Pass (as  
amended)☐ Hold☐ Council Sub.☐ Do not pass



# DETAILS

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

28 September 1987 - Business Meeting

The Commission recommended that the City of Fort Wayne grant a right-of-way encroachment for this location.

John Wernet stated that he had spoken with the realtor that afternoon and they had worked out the problem with the title company. He stated the title company had agreed to the encroachment permit.

Steve Smith stated that the hang-up was that at the title company and that they can insure over this problem and it should not impede the sale of the property.

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the nine members present 8 voted in favor of the motion one (1) did not voted.

## POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 20 July 1987

Projected Completion or Occupancy

Date 14 October 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 14 October 1987

Reviewed by

Date 20 October 1987

Reference or Case Number

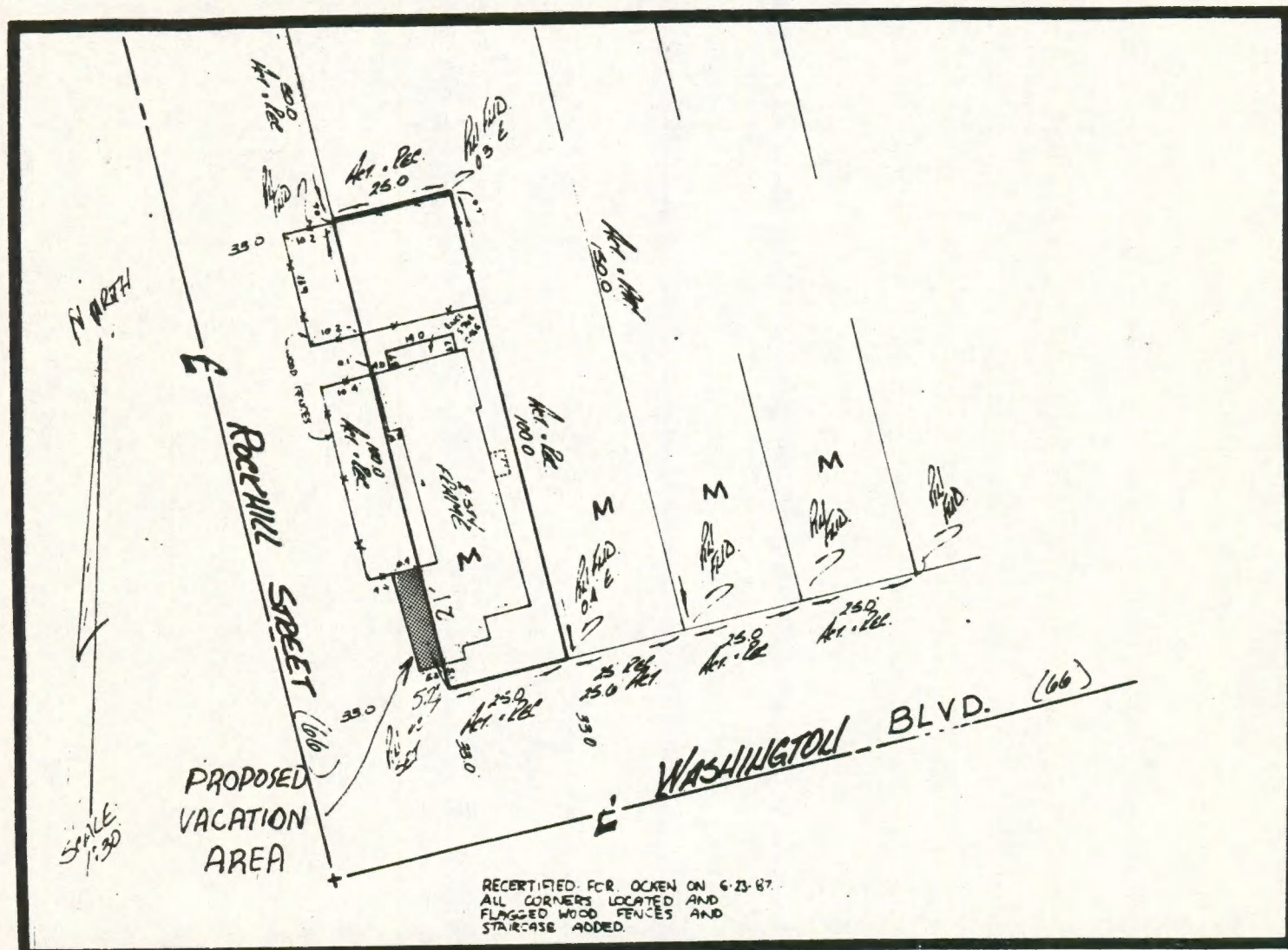


# VACATION PETITION #297

A PETITION TO VACATE THE DESCRIBED PORTION OF  
PUBLIC STREET.

MAP NO. L-6

COUNCILMANIC DISTRICT NO. 4



## ZONING:

R3 RESIDENTIAL DISTRICT

## LAND USE:

M MULTI-FAMILY

SCALE: N.T.S.

DATE: 8-27-87

L.W.

